



W.P.No.24937 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.24937 of 2024

and

W.M.P.Nos.27283 & 27752 of 2024

S.Jayakkannan, (T.No.13615)
Semi Skilled Assistant,
Main Road, Thethampattu,
Sri Mushnam Tk, Cuddalore District.

.. Petitioner

Vs.

- 1.The Secretary to Government,
Higher Education Department,
Secretariat, St. George Fort,
Chennai.
- 2.The Secretary to Govt,
Finance Department,
Secretariat, St. George Fort,
Chennai.
- 3.The Director of Technical Education,
Directorate of Technical Education,
Chennai – 600 025.
- 4.The Registrar,
Annamalai University,
Annamalai Naagr, Chidambaram.

.. Respondents



W.P.No.24937 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 4th respondent in Office Memorandum No.C2-3/44079/2020 dated 30.04.2024, quash the same and consequently direct the respondents to change the designation of the petitioner from 'Semi Skilled Assistant' to 'Skilled Assistant' and to extend the pay bands which is in accordance with the Government Orders.

For petitioner	:	Mr.A.Rajaperumal for Mr.L.P.Shanmugasundaram
For RR 1 & 3	:	Mr.K.Surendran Additional Government Pleader
For R2	:	Mr.U.Baranidharan Additional Government Pleader
For R4	:	Mr.Sithirai Anandam Standing Counsel

ORDER

This writ petition has been filed challenging the proceedings of the 4th respondent dated 30.04.2024 and for a consequential direction to the respondents to change the designation of the petitioner from 'Semi Skilled Assistant' to 'Skilled Assistant' and to extend the benefits.



W.P.No.24937 of 2024

WEB COPY

2. Heard the learned counsel for the petitioner, learned Additional Government Pleader for respondents 1 & 3, learned Additional Government Pleader for 2nd respondent and the learned Standing Counsel for the 4th respondent.

3. The case of the petitioner is that he joined in the 4th respondent University in the year 2007 and served as a Semi Skilled Assistant in Electrical Branch for 15 years. The further case of the petitioner is that pursuant to the Government Order passed in G.O.Ms.No.338, Finance (Pay Cell) Department, dated 26.08.2010, the scale of pay was revised. According to the petitioner, he is entitled to be designated as Skilled Assistant Grade-II in the light of the Government Orders relied upon by him. Since, the same was not considered, the petitioner filed W.P.No.25907 of 2022 for a direction to designate the petitioner as a Skilled Assistant based on the Government Orders. This writ petition was disposed of by order dated 27.09.2022 by directing the University to consider the claim made by the petitioner and to pass orders. Accordingly, the University passed an order dated 20.10.2022.



W.P.No.24937 of 2024

4.The above order became a subject matter of challenge in W.P.No.22803 of 2023. This writ petition was disposed of by order dated 02.08.2023 in the following terms:

“4.A perusal of the above Order makes it clear that the respondent has not implemented the Government Orders. According to him, the matter has already been placed twice before finance committee, the finance committee has not approved the matter and it is sine die necessary to consider the request of the individual.

5.A perusal of the above Order also makes clear that it is only a non speaking Order. If the Government Order stipulates change of designation, the same shall be implemented. Denying such right merely on the ground that the finance committee and the syndicate has not approved cannot be countenanced. It is for the finance committee and syndicate to take a decision and pass final Order. Merely because the proceedings has not be finally decided by either finance committee or syndicate, it cannot be said that the petitioner is not at all entitled to such relief. Therefore, the impugned Order cannot be sustained in the eye of law. Hence, the respondents are directed consider the matter afresh in the light of the direction of this Court in W.P.No.25907 of 2022 and place the matter before the finance committee and syndicate for passing resolution in the light of the Government Orders referred above and pass



W.P.No.24937 of 2024

Orders within a period of two months from the date of receipt of a copy of this Order.”

5.Pursuant to the above order, the impugned proceedings dated 30.04.2024 was issued. The relevant portion is extracted hereunder:

“The matter was already placed two times before the Finance Committee and Syndicate, but not approved in earlier occasions. Now, as per the direction of the Honorable High Court of Madras, Chennai, the matter was again placed afresh before the Finance Committee and Syndicate for its consideration on 27.02.2024.

The Finance Committee in its Resolution No.11, dated 27.02.2024 has “Deferred” the Agenda.

The Syndicate in its Resolution No.02, dated 05.03.2024 has “Noted and Approved” the minutes of the meeting of the Finance Committee held on 27.02.2024.

Hence, in these circumstances, Thiru S.Jayakkannan is informed that based on the consideration of the Finance Committee and Syndicate, his request is not complied with, at this juncture.”

6.The above proceedings has been put to challenge in the present writ petition.



W.P.No.24937 of 2024

WEB COPY

7. In the considered view of this Court, when the earlier writ petition was disposed of on 02.08.2023 in W.P.No.22803 of 2023 some positive observations were made at paragraph No.5 of the order. The impugned order that has now been passed by the 4th respondent has not taken into account those positive observations and it is running contrary to the observations made by this Court.

8. When the above was pointed out to the learned Standing Counsel appearing on behalf of the 4th respondent University, the learned counsel submitted that the order was passed in the writ petition without issuing notice to the University.

9. If the University was not heard when the earlier order was passed on 02.08.2023, the University ought to have sought for a review or a modification of the order. Without doing so, the University will not be permitted to pass an order running contrary to the observations made in the earlier order passed in W.P.No.22803 of 2023.



W.P.No.24937 of 2024

10.In the light of the above discussion, there shall be a direction to the 4th respondent University to withdraw the proceedings dated 30.04.2024 forthwith. Liberty is granted to the 4th respondent University to seek for review / modification of the earlier order passed in W.P.No.22803 of 2023 dated 02.08.2023.

11.Accordingly, this Writ Petition is disposed of in the above terms. Consequently, the connected Miscellaneous Petitions are closed.
No costs.

30.08.2024

krk
Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1.The Secretary to Government,
Higher Education Department,
Secretariat, St. George Fort,
Chennai.

2.The Secretary to Govt,
Finance Department,
Secretariat, St. George Fort,
Chennai.



WEB COPY



W.P.No.24937 of 2024

N.ANAND VENKATESH, J.

krk

3.The Director of Technical Education,
Directorate of Technical Education,
Chennai – 600 025.

4.The Registrar,
Annamalai University,
Annamalai Naagr, Chidambaram.

W.P.No.24937 of 2024

30.08.2024